

**TREMONTON CITY CORPORATION
LAND USE AUTHORITY BOARD
March 23, 2016**

Members Present:

Steve Bench, Chairman/Zoning Administrator
Chris Breinholt, City Engineer
Marc Christensen, Parks & Recreation Director
Paul Fulgham, Public Works Director
Shawn Warnke, City Manager
Darlene Hess, City Recorder

Chairman Bench called the Land Use Authority Board Meeting to order at 9:02 a.m. The meeting was held March 23, 2016 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Director Marc Christensen, Director Paul Fulgham, City Manager Shawn Warnke, and City Recorder Darlene Hess were in attendance.

1. Approval of agenda:

Motion by Public Works Director Paul Fulgham to approve the March 23, 2016 agenda.

Motion seconded by Parks & Recreation Director Marc Christensen. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Christensen – aye, Director Fulgham – aye, Manager Warnke – aye. Motion approved.

2. New Business:

Chairman Bench suggested to the Land Use Board they move to item c. on the agenda as individuals are not in attendance for items a and b. The following were discussed out of order.

a. Discussion and consideration of final plat approval for Tremont Center Phase 3

Micah Capener told the Board that he talked with Brian Lyon today and he does not have the final drawings done today. Is there anything we need to discuss? Chairman Bench told Mr. Capener that we need the final amount on burying the canal to get the 10% that we can hold for you. The Board discussed curb, gutter and sidewalks. Chairman Bench informed the developers that he needs the engineer's cost estimate on these. Manager Warnke asked what the cost estimate on the storm drain is. Mr. Capener asked if they subtract out the four feet for trails. Chairman Bench told him the City will deduct that amount.

Chairman Bench told Mr. Capener and Mr. Losee that the money for the bond is not new and the City requires it. Mr. Losee asked why the City holds this bond. Is it to make sure nothing falls apart? Chairman Bench said it is to ensure that things get put in as per standard. Once it is inspected, the City holds 10% for a year to make sure

everything gets completed and gives the rest of the money back to the developer. If something goes wrong and the developer does not complete it, the money withheld is used to complete the project. After the year if nothing goes wrong, the developer gets that money back.

Manager Warnke asked about the streetlights. Mr. Capener commented that the City already has \$10,000 for the streetlights, and Chairman Bench stated that the escrow bond has not been submitted to the City. Mr. Capener informed the Board that he understands what is needed and he will get that completed.

Manager Warnke stated that it is for the improvements that Tremont Center is doing like the powerline, and canal. Are they going to be done prior to recordation? What is the timing on that? Mr. Capener said that it will be done; however, he would like to get this recorded like tomorrow or as soon as the drawings are completed so they can sell the lots.

Chairman Bench told the developers that if they get the numbers to him tomorrow, he can get the Development Agreement complete. We still do not have written covenants and restrictions and there are already two buildings in. Mr. Capener told the Board that they have some issues with these as AutoZone said they will never sign the HOA. They said they would pay the HOA but they will not be a member of the association. They do not want to go through the process of voting. This is almost what ShopKo is saying. When asked why, they say they never do participate in HOAs.

The main sign in Tremont Center and how those who do not participate in the HOA will pay for their name to be on the sign followed. They also discussed maintenance of the roadway. Engineer Breinholt suggested to the developers that whatever they do it needs to be consistent throughout so it will be a nice Center. If you have every business maintaining their own, it will be a mess ten years down the road.

Mr. Capener commented that ShopKo is doing an addendum to the CC&R so they do not need to participate. We need to do whatever needs to be done to get ShopKo and AutoZone on line.

Chairman Bench commented that he would like to get some things done so we don't have to keep coming back every week on these items like we have for the last twelve weeks. Are there things we can get approved and get them off of the agenda?

Chairman Bench went through Manager Warnke's Question/Comments list for the Applicants.

- Need to show and identify the type of off-site easements which include public utility easements and ingress/egress in Tremont Center Phase 1 and 2.
- Need to identify how private utility easements will be handled. Some of the utilities that will service this development will not be dedicated or maintained by

the City and will be private. *Manager Warnke thought that somewhere on the plat it would show private utility easements. Mr. Capener said that his engineer is working on this right now. Manager Warnke asked about landscaping. Mr. Capener informed the Board Fourth West is already in and they are doing their own landscaping. Then we, as part of the original CDA Design and as part of the bids we got, will do the rest.*

- Need to discuss how the off-site improvements to Main Street will be bonded for. *Manager Warnke stated that he is guessing that since some of the improvements are going in before the recordation of the plat that these improvements will only need the warranty portion of the bond posted.*
- Need to submit “Grant of Reciprocal Easements and declaration of Covenants Conditions and Restrictions of Tremont Center Box Elder County, Utah” to record with this development. *Manager Warnke told the group that it is my recollection from reading the CC&R’s that the Master CC&R’s need to be amended each time when a new subdivision is recorded to include these new lots under the CC&R’s so that they are applicable.*
- Need to have a development agreement and Engineer’s Estimate required.
- Need to pay the roll back taxes see LUC 2.04.070.
- Need to provide notice to utility companies of open trench as per LUC 2.03.035D.

Chairman Bench told the developers that Engineer Breinholt also has a list that needs to be reviewed. Some of Manager Warnke’s list is also on Engineer Breinholt’s list.

The Board discussed stop signs. Chairman Bench stated that as the Center Develops, they will need to drive about and determine stop sign locations. Director Fulgham commented that we could probably put in stop bars. Flow was then discussed and possible locations for stop signs.

Micah Capener reported to the Board that he called Frontier about phone boxes in the Tremont Center area. They told me they did not have any. As he was driving here, he noticed there were boxes about every one hundred feet along there. He called Frontier back and they told him they have a 900 and 600 pair cable installed there. Earlier Rupps broke the 900 pair cable apart. It was not staked because no one knew it was there. It has never shown up on any document and it is one of their main lines. It will take ten weeks to get the material in to repair the line. Mr. Capener told the Board that he sent Frontier the information weeks ago and they are saying he did not send the information to them.

Mr. Capener informed the Board that Comcast has three conduits that will go in the Center and Rocky Mountain Power is waiting on some service agreement which they will get back to us. We have communicated with everyone and they are aware of what we are doing.

Chairman Bench commented that as far as the parking in 16.045 is concerned, the Planning Commission has a Public Hearing scheduled in April. Other items were then discussed that need to be addressed. Chairman Bench asked Mr. Capener to get him a list of these items. Chairman Bench told the developers that once the Phase 3 Final Mylar is complete, it should be much easier as new businesses come in.

Motion by Engineer Breinholt to approve the Tremont Center Phase 3 plat with the items being addressed that we discussed here today being finalized on the plat. Second by Manager Warnke. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Christensen – aye, Director Fulgham – aye, Manager Warnke – aye. Motion approved. Chairman Bench told the developers that Engineer Breinholt’s signature on the Mylar will be the deciding factor that the items have been taken care of.

b. Final review and approval – AutoZone

Chairman Bench told the developers, Micah Capener and John Losee, that there are items that need to be completed for AutoZone so they will not be held up in their process. Chairman Bench commented that the developers need to communicate with AutoZone as he got a call from them yesterday wanting to know what is going on and if the plat had been recorded. Mr. Losee told the Board that he emailed AutoZone back yesterday after he received their email and informed them of the situation.

The Board reviewed the AutoZone information. The following was discussed:

- Parking as in 16.045
- Landscaping percentage – grass versus other ground cover. *Mr. Capener informed the Board rock and boulders will be put in as the grass does not work. Something requires a six inch and shows an eight inch landscape curb*
- Storm drains
- Fire hydrants relocated
- Engineer Breinholt said utility should be labeled private
- Utopia installation was discussed
- We need to make sure the old drainage is protected
- Are utilities addressed in your HOA
- Blanket easement needs to be on the plat
- We will need to work on the DRC – bike rack. Put a couple of designs of racks on the plat.
- They have parking lot lights. Not showing any light on the west side of the building.

Manager Warnke discussed comments he has associated with subdividing this parcel of property:

- Property has existing subsurface drain lines that need to be preserved.
- “Grant of Reciprocal Easements and Declaration of Covenants Conditions and Restrictions of Tremont Center Box Elder County, Utah” need to be recorded with subdivision. Owners Association to manage such issues as landscaping, snow removal, parking lot maintenance, and storm water.
- Need to have development agreement – Engineer’s Estimate required.
- Need to collect the fee calculated as the engineering estimate.
- Trash receptacle required to be provided per the design guidelines (black LX-36 Lexington Series)
- Chairman Bench required to be provided per the design guidelines (ultra site 6” 954-s6 black Lexington).

Motion by Engineer Breinholt approving the AutoZone site plan pending final approval of the Tremont Center Phase 3 plat and the actual construction of the right-of-way on Main Street. The canal burial needs to be completed in order for this site plan to be built the way it is designed. When Chairman Bench called for a second, Director Fulgham told the Board that he only has one concern- it is the second water meter. If it is not installed, all their landscaping will be billed for sewer for all their outdoor watering. Chairman Bench told the Board that he would make this known to the developer. Mr. Capener suggested that Chairman Bench also notify AutoZone about putting in a couple of lights in the back between the buildings. He also suggested they be notified about the stop signs. Manager Warnke said he seconded the motion about the lights. **Engineer Breinholt added to the motion made: pending need for a potential stop sign leaving AutoZone’s north drive isle.** Second by Manager Warnke based on the additional. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Christensen – aye, Director Fulgham – aye, Manager Warnke – aye. Motion approved.

Walk ins*

- 1) **Ben Johnson** addressed the Land Use Authority Board to discuss a concept plan. He told the Board the boundaries did not meet the description of other annexations that have come into the City so he is trying to get them cleaned up. He will take the plat to the County for their review before bringing it back to the City.

Mr. Johnson discussed roads in the new annexation. A road on 1550 East was discussed. The Canal Company Attorney did not want to assist in getting the descriptions cleaned up. He commented that he was not giving up any ground. Mr. Johnson told the individual that it is City property and showed him a deed of the road where it has already been asphalted and maintained by the City. After some discussion and a trip to Salt Lake to discuss the issue, Mr. Johnson told the Land Use Board that this individual will help to get the descriptions cleaned up as long as we put on all of the maps “Subject to the canal right-of-way as recorded”. At least he is going to let us record the descriptions. Mr. Johnson

will send another revision of the map to this individual. The problem with the road is that it was just written on paper and not surveyed.

Building and Zoning Administrator commented that the lots in this subdivision are zoned R1-10 with the smallest being just under 14,000 square feet and the road runs north and south.

Manager Warnke discussed the road. He asked if the intersection was too small on Rocket Road. Director Fulgham and Engineer Breinholt both commented that they did not have a problem with the intersection. Director Fulgham told the Board that with the detention basin there, it will help keep a clear site. Engineer Breinholt commented if there was going to be more traffic on the road, he would be concerned. The Board discussed the numbering of one street. After further discussion the Board decided that the number should remain 700.

Manager Warnke told the Board that he thought the road needs to be tweaked a little to make it straighter. The Board discussed the road at this location and they did not feel it needed to be changed. Manager Warnke informed the Board that he would like to see it straightened slightly. He felt that would be a better use. After further discussion, the Board asked the Developer to see if they can straighten the road out some.

Engineer Breinholt told the Board that he agreed. Next the Board discussed sidewalks and the width, curb and gutter, and park strips. Director Fulgham indicated that there should be no problem with the meters in the park strip.

Mr. Johnson informed the Board that Mark Hirschi wants to build in Tremonton so he can get on the City's water system. His property is divided within the family and he gets only a portion of it. Where his home will be built is on City property; however, he does not want to go through an annexation process. Access to his property is in the County. Requirements such as width of road and asphalt for the access were discussed.

Director Fulgham asked what the City's responsibility for fire protection would be. The legality needs to be addressed as there are no hydrants in the area. Mr. Capener, who was attending Land Use Meeting, said there is a fire hydrant in that area. Director Fulgham stated that it must belong to Garland as Tremonton does not own a hydrant there.

After discussion on fire protection, the Board discussed putting in a sprinkling system; Engineer Breinholt stated that when subdivisions go in, he makes sure they are within the distance for fire protection required of a fire hydrant by the state. John Losee suggested that they could require a fire hydrant be installed and the cost was discussed. Engineer Breinholt stated that ultimately it is the

City's responsibility to make sure fire protection is addressed if they approve the subdivision.

Chairman Bench told Mr. Johnson that Mr. Hirschi needs to decide what he wants to do. He might request de-annexing from the City if that is what he wants to do.

- 2) **Chris Sorensen** met with the Board to discuss the Pre-Annexation Agreement that he had been given for review by the City. Manager Warnke informed Mr. Sorensen that the City makes Pre-Annexation agreements and this is a standard form. The conditions set specific to each annexation is highlighted in yellow. After the discussion, Mr. Sorensen told the Board that he felt better about it and did not see a problem with signing it.

3. Comments/Reports:

- a. Chairman/Zoning Administrator – Steve Bench

No comments.

- b. City Engineer – Chris Breinholt

No comments.

- c. Recreation Director – Marc Christensen

No comments.

- d. Public Works Director – Paul Fulgham

No comments.

- e. City Manager – Shawn Warnke

No comments.

5. Public comments: Comments limited to five minutes.

No public comments.

6. Adjournment:

Motion by Director Fulgham to adjourn the meeting. Motion seconded by Engineer Brienholt. The meeting adjourned at 11:23 a.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes of the Land Use Authority Board Meeting held on the above referenced date. Minutes prepared by Recorder Darlene S. Hess.

Dated this ____ day of _____, 2016

Darlene S. Hess, City Recorder

*Utah Code 52-4-202, (6) allows for a topic to be raised by the public and discussed by the public body even though it was not included in the agenda or advance public notice given; however, no final action will be taken.